



# PUBLIC NOTICE

**Federal Communications Commission**  
**445 12<sup>th</sup> St., S.W.**  
**Washington, D.C. 20554**

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**DA 17-236**  
**Released: March 9, 2017**

**MEDIA BUREAU ANNOUNCES FILING OF REQUEST FOR WAIVER OF  
NEWSPAPER/BROADCAST CROSS-OWNERSHIP RULE BY FOX TELEVISION STATIONS,  
LLC AND PERMIT-BUT-DISCLOSE *EX PARTE* STATUS FOR THE PROCEEDING**

**MB Docket No. 07-260**

Comments Due: April 10, 2017  
Oppositions Due: April 25, 2017  
Replies Due: May 2, 2017

Fox Television Stations, LCC<sup>1</sup> has filed a request for a temporary waiver (Waiver Request) of the newspaper/broadcast cross-ownership (NBCO) rule<sup>2</sup> seeking permission to continue its joint ownership of WWOR-TV, Secaucus, New Jersey/WNYW(TV), New York, New York and the *New York Post*. All three of these properties are located in the New York Designated Market Area (DMA) and the principal community contours of both stations encompass the entire community in which the newspaper is published, requiring a waiver of the rule if further combined ownership is to continue.<sup>3</sup> Fox asks to be permitted to continue joint ownership of the three properties, and to preserve the *status quo*, until 90 days following resolution of the pending petition for reconsideration of the Commission's August 2016

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<sup>1</sup> Fox Televisions Stations, LCC was formerly known as Fox Television Stations, Inc.

<sup>2</sup> 47 CFR § 73.3555(d).

(d) *Newspaper/broadcast cross-ownership rule*. (1) No party (including all parties under common control) may directly or indirectly own, operate, or control a daily newspaper and a full-power commercial broadcast station (AM, FM, or TV) if:

...(iii) the principal community contour of the TV station (computed in accordance with § 73.625) encompasses the entire community in which the newspaper is published; and the community of license of the TV station and the community of publication of the newspaper are located in the same DMA.

<sup>3</sup> Fox currently owns WNYW(TV) and the *New York Post* pursuant to a permanent waiver of the NBCO rule. *Fox Television Stations, Inc.*, 8 FCC Rcd 5341 (1993). An additional waiver is required because of Fox's ownership of WWOR-TV.

decision to retain the NBCO rule as part of the *2014 Quadrennial Review*.<sup>4</sup> At the end of that period, Fox will have to either comply with any rule then in effect or ask for a new waiver if needed. At this time, we seek public comment on Fox's Waiver Request.

The Waiver Request has been found, on initial review, to be acceptable for filing. The Commission or the Media Bureau acting on delegated authority may require Fox to submit any additional documents or statements of fact that in its judgment may be necessary. The Commission or the Media Bureau acting on delegated authority also reserves the right to return the Waiver Request if, on further examination, it is determined to be defective and not in conformance with its Rules and policies.

### **EX PARTE STATUS OF THIS PROCEEDING**

Pursuant to 47 C.F.R. § 1.1200(a), the Commission may adopt modified *ex parte* procedures in situations where doing so would serve the public interest. We announce that this procedure will be governed by the permit-but-disclose *ex parte* procedures that are applicable to non-restricted proceedings under Section 1.1206 of Commission's Rules.<sup>5</sup>

Permit-but-disclose *ex parte* procedures permit interested parties to make *ex parte* presentations to the Commissioners and Commission employees and require that these presentations be disclosed in the record of the relevant proceeding. Persons making a written *ex parte* presentation to the Commissioners or Commission employees must file the written presentation with the Commission's Secretary no later than two business days after the presentation.<sup>6</sup> Persons making oral *ex parte* presentations must file a summary of the presentation no later than the next business day after the presentation.<sup>7</sup> All *ex parte* filings must be clearly labeled as such and must reference MB Docket No. 07-260. Parties are reminded that memoranda summarizing the presentation must contain the presentation's substance and not merely list the subjects discussed.<sup>8</sup> More than a one or two sentence description of the views and arguments presented is generally required.<sup>9</sup>

### **GENERAL INFORMATION**

The Petition and all further filings will be available in the Commissions Electronic Comment Filing System ("ECFS") under Docket 07-260. As of this date, all pleadings, comments and other filings are to be made in ECFS in Docket 07-260. Persons and entities that file comments become parties to the proceeding. They may participate fully in the proceeding, including seeking access to any confidential and/or highly confidential information that may be filed under a protective order.

To allow the Commission to consider fully all substantive issues in as timely and efficient a manner as possible, commenters should raise all issues in their initial filings. New issues may not be raised in responses or replies. A party or interested person seeking to raise a new issue after the pleading

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<sup>4</sup> See *2014 Quadrennial Regulatory Review*, Second Report and Order, 31 FCC Rcd 9864 (2016) (*2014 Quadrennial Review*); Petition for Reconsideration of the National Association of Broadcasters, MB Docket No. 14-50 *et al.* (filed Dec. 1, 2016).

<sup>5</sup> See 47 CFR § 1.1206.

<sup>6</sup> 47 C.F.R. § 1.1206(b)(1).

<sup>7</sup> 47 C.F.R. § 1.1206(b)(2).

<sup>8</sup> 47 C.F.R. § 1.1206(b)(1).

<sup>9</sup> *Id.*

cycle has closed must show good cause why it was not possible for it to have raised the issue previously. Submissions after the pleading cycle has closed that seek to raise new issues based on new facts or newly discovered facts should be filed within 15 days after such facts are discovered. Absent such a showing of good cause, any issues not timely raised may be disregarded by the Commission.

All filings concerning matters referenced in this Public Notice should refer to MB Docket No. 07-260. Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using ECFS. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.
- Electronic filers shall submit an electronic version of their filing to David Roberts, Attorney Advisor, Video Division, Media Bureau at [david.roberts@fcc.gov](mailto:david.roberts@fcc.gov). Identify the submission with the Docket Number in the subject line.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12<sup>th</sup> St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12<sup>th</sup> Street, SW, Washington DC 20554.
- Paper filers shall file serve one copy of their filing on David Roberts, Attorney Advisor, Federal Communications, Media Bureau, Video Division, 445 12th St. SW, Room 2-A771, Washington, D.C. 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

#### **SUPPLEMENTARY INFORMATION**

The proceeding this Notice initiates shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.<sup>10</sup> Persons making *ex parte* presentations must file a

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<sup>10</sup> 47 C.F.R. §§ 1.1200 *et seq.*

copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

For further information, contact David Roberts at (202) 418-1618. For Press inquiries, contact Janice Wise at (202) 418-8165.

By: Acting Chief, Media Bureau